

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**VAN JENKINS,
et al.,**

Plaintiffs,

CIVIL ACTION NO. 07-CV-13860-DT

vs.

DISTRICT JUDGE ARTHUR J. TARNOW

**ANN ARBOR POLICE
DEPARTMENT,**

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendant.

**OPINION AND ORDER DENYING PLAINTIFFS' MOTION FOR DISCOVERY
AND DENYING PLAINTIFFS' MOTION FOR EXTENSION OF TIME
AND GRANTING PLAINTIFFS' MOTION FOR LEAVE TO AMEND COMPLAINT**

This matter comes before the Court on Plaintiffs' Motions for Discovery (docket no. 21), for an Extension of Time (docket no. 24), and for Leave to File an Amended Complaint (docket no. 14). Defendant has responded to the Motion for Discovery. (Docket no. 23). All pretrial matters have been referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 12). These matters are now ready for ruling.

Plaintiffs' Motion for Discovery is premature. They have not shown that they have served on Defendant any discovery requests such as interrogatories or requests for the production of documents. Plaintiffs should first serve such discovery requests on Defendant without filing the requests with the Court. Only after Defendant has failed to respond properly may Plaintiffs file with the Court motions to compel Defendant to respond to their discovery requests. Plaintiffs' Motion for Discovery will therefore be denied.

Plaintiffs also ask for an extension of the deadline set for submitting stipulations for case

evaluation. (Docket no. 24). Plaintiffs have failed to show good cause for such an extension. This motion will also be denied.

Finally, Plaintiffs have filed an “Amended Complaint.” (Docket no. 14). This document was filed after Defendant had filed its Answer. Therefore, pursuant to Fed. R. Civ. P. 15(a) leave of court is required to amend the Complaint. Plaintiffs have identified several individual police officers that they wish to add as defendants. The Court construes this document as a Motion for Leave to File an Amended Complaint and finds that the amendment should be allowed. Plaintiffs will therefore be given an opportunity to file a proper amended complaint. Plaintiff Van Jenkins is advised that only he should be listed as a Plaintiff in his amended complaint. As a pro se litigant he may not represent other persons as plaintiffs. In addition, Plaintiff should ensure that his amended complaint clearly sets out the facts as to each defendant upon which his claims are based. The complaint should be a “short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a). No citations to cases or attachments are required, and a complaint that is too lengthy will be stricken.

IT IS THEREFORE ORDERED that Plaintiffs’ Motion for Discovery (docket no. 21) and Motion to Extend Time (docket no. 24) are **DENIED**.

IT IS FURTHER ORDERED that Plaintiffs’ Motion for Leave to File an Amended Complaint (docket no. 14) is **GRANTED**, and Plaintiff Van Jenkins shall file his Amended Complaint on or before March 21, 2008.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: March 05, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Van Jenkins and Counsel of Record on this date.

Dated: March 05, 2008

s/ Lisa C. Bartlett
Courtroom Deputy